

REMARKS

Claims 1, 2 and 4-10 are currently pending in the application. Claims 1, 2, 4, 5, 9 and 10 have been amended. Claims 3, 11 and 12 have been cancelled. Claim 1 has been amended to improve the language thereof and to more clearly recite, in part, “a moving mechanism supported to the main frame body configured to move the dispensing mechanism in X-axis, Y-axis, and Z-axis directions.” Further, claim 1 has been amended to recite, in part, “the rotating mechanism comprising an abutment member fixed to the main frame body, and a disc member disposed coaxially with the rotation axis of the dispensing mechanism and selectively contactable with abutment member, the dispensing mechanism being rotatable about the rotation axis upon movement of the dispensing mechanism by the moving mechanism and upon contact of the disc member with the abutment member” to address the 35 U.S.C. 103(a) rejection, and is supported by at least Fig. 6.

Also, claim 4 has been amended to recite, in part “wherein the abutment member extends in a direction parallel to one of the x-axis and the y-axis, and wherein the dispensing mechanism is rotatable about the rotation axis upon movement of the dispensing mechanism in one of the X-axis direction and the Y-axis direction.” This amendment better clarifies the claimed invention, and is supported at least by Fig. 6.

Additionally, minor amendments have been made to claims 2, 5, 9 and 10 in order to improve the language thereof. In these amendments, Applicants have made several changes to the language of the claims to render the same more self consistent, as well as more fully in compliance with U.S. syntax, idiom and grammar. These amendments do not change the scope of the claims but are merely cosmetic changes that give rise to no file wrapper estoppel.

No new matter has been added. Reconsideration of the application is respectfully requested in view of the following remarks.

35 U.S.C. §103 Rejections

Claims 1 and 6-12 were rejected under 35 U.S.C. §103(a) for being unpatentable over U.S. Patent No. 6,006,800 to Nakano in view of U. S. Patent Publication No. 20010048899 to

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Marouiss (“Marouiss”). Claims 2-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano in view of Marouiss and further in view of U.S. Patent No. 5,443,791 to Carthcart *et al.* (“Cathcart”). Applicants respectfully traverse these rejections.

In order to reject a claim under 35 U.S.C. §103(a), MPEP 2143 mandates that three basic criteria must be met.

First, there must be some suggestion or motivation, either in the reference themselves or in knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations.

Applicants submit that none of the references of record, either singly or when combined, disclose or suggest all the limitations of at least independent claim 1.

Nakano in view Marouiss

Claim 1 recites, in part:

a rotating mechanism that rotates the dispensing mechanism by a predetermined angle about a vertically directed rotation axis for changing a direction of the array of the plurality of cylinders, the rotating mechanism comprising an abutment member fixed to the main frame body, and a disc member disposed coaxially with the rotation axis of the dispensing mechanism and selectively contactable with abutment member, the dispensing mechanism being rotatable about the rotation axis upon movement of the dispensing mechanism by the moving mechanism and upon contact of the disc member with the abutment member.

On page 5 of the Office Action, the Examiner seems to consider the Acme screw 2322 and pulley system 2330 of Marouiss as corresponding to the abutment member and the disc member of the invention, respectively. Applicants respectfully submit that this is incorrect. The Acme screw and the pulley system are not adapted for rotating the dispensing mechanism.

Rather, the Acme screw and pulley system are adapted for vertically moving the lift platform 2302. Moreover, the pulley system is not in rotational and selective contact with the Acme screw. Instead, the pulley system and the Acme screw are drivingly connected at all times.

Applicants submit that since neither Nakano nor Marousiss (nor any other reference of record) discloses or suggests, either singly or in combination, all the limitations of claim 1, that claim 1 is allowable over the prior art of record and the 35 U.S.C. 103(a) rejection should now be withdrawn. Moreover, claims 6-10 depend from an allowable independent claim 1 and are also allowable for at least this reason and for each claim's own added features.

Nakano in view of Marouiss further in view of Carthcart

Applicants submit that claims 2, 3 and 5 depend from an allowable independent claim 1 and are also allowable for at least this reason and for each claim's own added features. Therefore, the 35 U.S.C. 103(a) rejection should now be withdrawn.

Provisional Double Patenting Rejection

Claims 1 and 5-12 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Applicants submit that since claims 11 and 12 have been cancelled, the basis for the provisional double patenting rejection has been rendered moot and that the provisional double patenting rejection should now be withdrawn.

Other Matters

The Examiner has indicated that "Some" of the priority documents have been received on the face of the PTOL 326. In this regard, Applicants have claimed priority to one foreign priority document. Moreover, Applicants direct the Examiner's attention to the Image File Wrapper (IFW) that includes the single priority document as filed September 25, 2003. Applicants accordingly request that the Examiner acknowledge Applicants claim for foreign priority under 35 U.S.C. § 119 and the filing of the certified copies of the priority documents.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,



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